

****Please be advised that the use of these forms may not be proper for your specific legal situation****
 ****Please make an independent determination whether use of these forms is appropriate****

UNITED STATES DISTRICT COURT
 DISTRICT OF NORTH DAKOTA

Dean Benter

(Enter full name of each Plaintiff, above)

vs.

Jay Schmitz, Tonya Duffy
 Dan Heidbreder, Jesse M. Smith
 Kelly Wimer, Shawn Banet,
 Jim Shaw, Troy Kelly,
 Shawn Krebsbach, Barnes County,
 state of North Dakota

(Enter full name of each Defendant, above)

Civil Case No. _____
 (To be assigned by Clerk of Court)

§ JURY TRIAL DEMANDED ☐ Yes ☒ No
 (Check one)

~~COMPLAINT~~ Claim

I. JURISDICTION. State the grounds for filing this case in Federal Court (include federal statutes or U.S. Constitutional provisions). Honorable Judge Jay Schmitz, for Barnes County, North Dakota issued a search warrant for my premises, on Aug 25 for imaging of a pornographic ~~image~~ nature on Aug 27, 2020 BCF agents Heidbreder, Smith, Wimer, Banet, Shaw, Kelly, & Krebsbach, conducted said search and illegally seized / confiscated plaintiffs;

II. PLAINTIFF. For each Plaintiff list: name and address including City, County and State.

Dean Benter
10050 22nd St SE
Rogers, ND 58479

Barnes County

III. DEFENDANT. For each Defendant list: name and address including City, County and State.

Jay Schmitz, Tanya Duffy
230 4th St NW
Valley City, ND 58072
Barnes County

Dan Heidbreder, Jesse M Smith,
Kelly Wimer, Shawn Beach,
Jim Shaw, Troy Kelly
Shawn Kriebach,

Bureau Criminal Investigation
P.O. Box 1054
Bismarck, ND 58502-1054
Burleigh County

Claim
Complaint 2

- Juvenile Records
- Medical Records
- Legal documents
- Court cases in North Dakota, and other states
- Letters / correspondence from courts
- Letters / correspondence from Plaintiff's Attorney
- Birth Certificate
- Vehicle title
- money
- And other items not authorized to be searched, or seized, by / under said warrant
- And did damage to Plaintiff's personal affects, and property.

On August 28th, 2020 Plaintiff filed a motion in the Barnes County District Court, to immediately cease, and return the aforementioned items to him.

Claim Complaint 3

No ruling / decision has been made / entered on Plaintiff's motion / petition yet, to date Oct 5, 2020

Plaintiff has several pending litigations in Small Claims Court, in Barner County. And filed a motion on Sept 7th, 2020. In all of said small claims cases, ordering each, and every Defendant - name - herein - to produce documents / evidence, ~~that they~~ related to said cancellation court cases, that they seized, and are withholding, illegally. It should be noted that some of these cases are against the County, ... or employees of Barner County

- The Courts refused to return read documents

- The courts refused to order Defendants to produce documents, at trial.

- The Courts refused to issue subpoena, requiring these people to appear, and testify. ~~testify~~ Judge schmitz, was named a party in this, and ordered to return said documents, or testify. And didn't. And then rat on, and Plaintiff lost some of his cancellation court cases, due to not having his exhibits / evidence needed. (Defendant Schmitz presiding ~~was~~ judge)

The court (Barner County) continued the rest of plaintiff's cancellation court cases

claim
complaint 4

Per Oct 15, 2020

The court still refuses to order
defendants named herein, to return
necessary paperwork, exhibits, to
Plaintiff

Plaintiff filed a separate lawsuit in Barner County
District Court, against Judge Jay Schmitz, for
being biased, and prejudicial.

Judge Schmitz, is still sitting on,
and ruling on plaintiff's court cases.

And is still acting judge, on a Criminal
case filed against said plaintiff, as a
result of their seizure, during search of
plaintiff's residence, on Aug 27, 2020

Tanya Pufrey, States Attorney for Barner County,
who is prosecuting plaintiff on Criminal charges;
also has the power / authority to order law
enforcement to return aforesaid mentioned items
to said plaintiff, --- As she don't need them
as evidence against plaintiff, in her Criminal
investigation / proceedings; --- but she won't.

Complaint

IV. ~~CLAIM~~. State the facts of your claim. Include the name of each person involved, dates and places. Be as specific as possible. Do not give any legal argument or cite any cases or statutes. Use additional sheets of paper if necessary.

I thought this is (was) what I just filled out, and answered on page one, under "complaint";

✱ ✱ Goes against Federal Hippen laws, under privacy act.

V. ADMINISTRATIVE PROCEDURES. If applicable, state whether your claim was heard by any administrative agencies; the type of proceedings; the date and place of any proceedings; the outcome of any administrative proceedings.

I filed a similar complaint in Barnes County, small claims court, after get listed items of property back for being illegally seized / stolen. And defendant Schantz, dismissed my law suit, as Probation Station Defendant were law enforcement's fault and could not be sued

against
BEI
Agents

VI. RELIEF. State what you want the Court to do for you.

seeking monetary, and punitive damages,

order the immediate return of items described in my complaint plus all other items seized by Defendants

- All legal documents, medical records, juvenile records, etc., are to be returned to me; unaltered, in their original format without anything being deleted, or missing

VII. SIGNATURE. Each Plaintiff must individually sign this complaint.

Signed this 3th day of October, 2020

Dean Burt

Signature of Plaintiff

Dean Burt

Printed Name of Plaintiff

10050 22nd St SE

Mailing Address

Rosier, WA 98479

City, State, Zip Code

Telephone Number of Plaintiff

SAMPLE COMPLAINT

JS 44 (Rev. 12/12)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Dean Benter

(b) County of Residence of First Listed Plaintiff

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

DEFENDANTS *Smith, Dany, Hildegar, Smith, Wm, Benter, Thom, Kelly, Kentucky, Boone County, State of Virginia*

County of Residence of First Listed Defendant *Boone*

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☒ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

| CONTRACT | TORTS | FORFEITURE/PENALTY | BANKRUPTCY | OTHER/STATUTES | |
|---|---|--|--|---|--|
| <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise | PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input checked="" type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice | PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability | <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input checked="" type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions | <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609 | <input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes |
| REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property | CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education | PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement | | | |

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Brief description of cause:

Illegal Search and Seizure of Sealed Records

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

10,000.00

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

Jay Schmitz

DOCKET NUMBER

Boone County
02-2020-50-45

DATE

SIGNATURE OF ATTORNEY OF RECORD

*Oct 5, 2020**Dean Benter*

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE